

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,

No. 16 Cv. 3505 (WHP)

-v-

DEVON D. ARCHER, BEVAN T. COONEY,
HUGH DUNKERLEY, JASON W. GALANIS,

GARY T. HIRST and MICHELLE A. MORTON,

Defendant(s). :

NOTICE OF MOTION
TO STAY PROCEEDINGS
OR IN THE
ALTERNATIVE
ANSWER TO COMPLAINT

-----X
Hon. William H. Pauley
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

ANDREW M. CALAMARI
REGIONAL DIRECTOR
SECURITIES AND EXCHANGE COMMISSION
New York Regional Office
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/15/16
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All defense counsel

MICHELLE MORTON, pro se, respectfully moves this Court for an Order staying all proceedings in this action, including the requirement to answer this Complaint, until the resolution of the parallel criminal case, 16 Cr. 371 (RA).

1. I am an unrepresented defendant in the instant case pending before this Court. I am also a defendant in the parallel criminal case which is now pending before the Hon. Ronnie Abrams, 16 Cr. 371 (RA).
2. I am without the funds necessary to retain counsel on either of the parallel actions pending in the Southern District of New York. As such, I have been appointed counsel in the criminal action pursuant to the Criminal Justice Act, however, I am without counsel in the instant action.
3. The Government has intervened in this matter and has been granted a partial stay of discovery so as to prevent discovery of the statements of its witnesses before those statements would be disclosed in the criminal case.
4. My counsel in the criminal case has advised me to assert my Fifth Amendment privilege against self incrimination in answering this civil action. It is my understanding that should I answer the complaint by asserting my Fifth Amendment right to remain silent, I would be subject to an adverse inference being drawn against me, which may impact on my ability to defend this case.
5. Since I do not have counsel to represent me in this matter as of this time, I am asking this Court to stay these proceedings until the resolution of the criminal case. It appears unlikely that this case will proceed to a conclusion before the parallel criminal case is resolved, therefore I do not see how the Plaintiff or the other defendants in this case could be prejudiced by such a stay.

ACCORDINGLY, MICHELLE MORTON, appearing pro se, moves this Court for a stay of these proceedings until the resolution of the parallel criminal case. In addition, I further request that should this Court deny this motion for a stay, that the Court allow me to later withdraw my Fifth Amendment answer and replace it with a substantive answer should I later be able to retain counsel in this matter.

Dated: New York, New York
August 12, 2016


Michelle Morton, pro se

ANSWER TO COMPLAINT

MICHELLE A. MORTON, appearing pro se, interposes the following answer to the instant Complaint:

On advice of counsel, I refuse to answer the allegations in this Complaint pursuant to my rights under the Fifth Amendment to the United States Constitution as any answer may tend to provide incriminating evidence against me.


Michelle Morton, defendant